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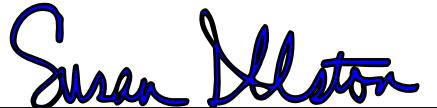
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3 Passport Energy Fund, Ltd.; Passport Energy Master  
Fund SPC, Ltd.; and John H. Burbank III

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO**

Pursuant to the parties' Stipulation of Dismissal With Prejudice Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) filed May 19, 2009, it is hereby ORDERED, JUDGED, AND DECREED that the above-captioned action is dismissed with prejudice in its entirety and against all parties, each party to bear its own costs and expenses, including attorneys' fees.

5/19/09

Dated: \_\_\_\_\_

  
HONORABLE SUSAN ILLSTON  
United States District Court Judge